

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS W. ROSELL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 3:22-cv-05424-TL

ORDER TO FILE ANSWER

Plaintiff's Complaint seeking review of the Commissioner's decision denying social security benefits was filed on June 14, 2022. Dkt. No. 4. The Clerk issued summonses the same day. Dkt. No. 5. Plaintiff filed proof of service on November 18, 2022. Dkt. No. 7. Plaintiff's affidavit of service does not state when he served the Commissioner, so the Court assumes he did so on the date he filed the proof of service. Under Federal Rule of Civil Procedure 12(a)(2), the Commissioner was required to serve an answer to Plaintiff's Complaint within 60 days after service, thus the Commissioner's answer was due by January 17, 2023. *See also* Fed. R. Civ. P. SUPP SS 4. The Commissioner failed to timely file an answer, and on March 7, 2023, the Court issued an order directing the Commissioner to (1) show cause why an answer was not timely filed, or (2) file an answer. Dkt. No. 9.

The Commissioner responded on March 14, 2023, and explained that the United States Attorney's Office for the Western District of Washington "had not received any emails or documents on this case." Dkt. No. 12 at 1. The Commissioner also requested the Court to waive

1 service “[d]ue to this evident miscommunication regarding service.” *Id.* at 2.

2 Finding good cause, the Court extends the answer deadline and ORDERS the Commissioner
3 to file an answer to Plaintiff’s Complaint by May 13, 2023.

4 Dated this 15th day of March 2023.

5
6 

7 _____
8 Tana Lin
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23